IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7867 OF 2005

M/s. Wasan & Sons .... Petitioner

Versus

The State of Maharashtra and Anr. ....Respondents

with

WRIT PETITION NO. 7868 OF 2005

Hirji Virji Vera .... Petitioner

Versus

The State of Maharashtra and Anr. ....Respondents

with

WRIT PETITION NO. 7869 OF 2005

John L.D'Souza .....Petitioner

Versus

The State of Maharashtra and Anr. ....Respondents

with

WRIT PETITION NO. 7870 OF 2005

Jayesh Lalji Vora .....Petitioner

Versus

The State of Maharashtra and Anr. ....Respondents

with

WRIT PETITION NO. 7944 OF 2005

Sharfuddin Abdul Gafar Khan .... Petitioner

Versus

The State of Maharashtra and Anr. ....Respondents

with

WRIT PETITION NO. 7945 OF 2005

Kamaladevi R. Kedia .... Petitioner

Versus

The State of Maharashtra and Anr. ....Respondents

with

WRIT PETITION NO. 7946 OF 2005

Madhukar Bapurao Lele .... Petitioner

Versus

The State of Maharashtra and ors. ....Respondents

Mrs. A.P. Madhuri for the petitioners.
Mr. C.S. Sonawane, Assistant Government Pleader, for the State.

CORAM: **V.G. PALSHIKAR, Ag. C.J.,** &
D.B. BHOSALE, J.

DATE: **DECEMBER 09, 2005**.

P.C.

By these petitions, the petitioners have questioned the action of the respondent-Regional Transport Authority, in not issuing no objection certificate for the petitioners' vehicles as the petitioners intend to take their vehicles out of Mumbai because in Mumbai vehicles of eight years of age cannot ply unless they have been converted to run on Compressed Natural Gas (CNG) or Liquified Petroleum Gas (LPG).

2. According to the petitioners, such application even if made is not accepted by the respondents. An affidavit in reply has been filed by the State where, apart from the order made by this Court, an affidavit filed by the Transport Commissioner, Maharashtra State in Writ Petition No. 1762 of 1999 has been annexed wherein it is observed that the Government has evolved a scheme whereby the orders of this Court requiring the vehicles above eight years of age to fit with CNG/LPG kits before a particular date are properly implemented causing nominal possible loss to the vehicle owners who desire to take their vehicles out the territorial limits of Greater Mumbai. In the said affidavit, the Transport Commissioner, Maharashtra State has stated what the State desires to do in consultation with the owners of vehicles registered in Mumbai and have completed or are about to complete eight years of age. It is necessary that the entire statement on affidavit is considered

verbatim. It reads thus:

> "(C) For the vehicles registered in Mumbai they have to get converted on CNG/LPG before completing 8 years of age or they have to move out of Mumbai by obtaining N.O.C. otherwise the registration of vehicles is treated as cancelled and the vehicle scrapped.
>
> In case such vehicle is found plying in Mumbai the punishment is suggested here in above in para 'B'. In case the vehicle is not found plying in Mumbai and the owner thereof desires to take the vehicle outside Mumbai. It is suggested that instead of cancelling its registration and treating it as scrapped which is a loss of National Wealth, those vehicles may be allowed to go out of Mumbai by issuing N.O.C. Even after completing 8 years of age."

3. From the above, it will be seen that the Government would consider application for giving no objection certificate for taking the vehicles out of Mumbai, even after the vehicle has completed 8 years of age and would consider granting of such permission on each individual application. That being the factual position averred on oath by the Transport Commissioner, Maharashtra, we dispose of these petitions by directing the petitioners to make such applications as contemplated by (C) above within a period of two weeks from today. We further direct the respondents to accept and consider those

applications in accordance with the statement made on affidavit, which is quoted above, within a period of two weeks thereafter.

4. These petitions are accordingly disposed of in the light of above directions.